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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/940,450

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Jeff S. Eder

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03/30/2011

ASSET TRUST, INC.  
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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

03/30/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/940,450	<b>Applicant(s)</b> EDER, JEFF S.	
	<b>Examiner</b> Ella Colbert	<b>Art Unit</b> 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34-52,62-64,68-70,90,91 and 134-189 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 34-52,62-64,68-70,90,91 and 134-189 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/23/10, 1/17/11</u> .                                       | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 34-52, 62-64, 68-70, 90, 91, and 134-189 are pending. Claims 34-36, 43-46, 52, 62, 70, 135, 138, 141, 145, 150, 155, 157, 159, and 164 have been amended and claims 168-189 have been added in this communication filed 1/16/11 entered as Supplemental Response.
2. The Response After Non-Final Action filed 11/22/10 has been considered and entered.
3. The IDs's filed 11/22/10 and 1/17/11 have been considered and entered.
4. The Affidavit(s) (Rule 131 or 132) or exhibit(s) received 1/16/11 have been reviewed, entered and are acknowledged.

As a Preliminary matter, Applicant is respectfully requested to note that the Examiner prosecuting this application has changed. All future correspondence should be directed to Primary Examiner Ella Colbert, Art Unit 3694.

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 34-43, drawn to a computer readable medium for the preparation of data by integrating data from a plurality of systems using an xml metadata standard and a common schema in order to transform data into an integrated database and output the database, classified in class 715, subclass 239.

Art Unit: 3694

- II. Claims 44-52, 62-64, 68-70, 90, 91, and 134-140, drawn to computer-readable medium and a data system for integrating data representing an organization, using a portion of the data to create and output one or more tools for organization management, and the tools for organization management comprise a system for automated trading of an organization equity security based on a calculated market sentiment value, classified in class 705, subclass 37.
- III. Claims 141-168, drawn to a program storage device readable by a computer, a data method, and a data preparation system using a plurality of metadata mappings to integrate a plurality of data representative of an (a physical object or substance) enterprise that physically exists from a plurality of enterprise related systems and where a metadata and conversion rules window is used to establish the metadata mapping table, classified in class 705, subclass 7.
- IV. Claims 169-189, drawn to A computer readable medium, a system, and a method for obtaining a plurality of data from a plurality of systems, one or more external databases and an Internet, transforming the data to a common metadata standard and a common schema, making the transformed data available for review or processing by storing the data in one or more tables in a database, classified in class 707, subclass 790.

Inventions I and IV are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed

Art Unit: 3694

does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention I has an xml metadata standard and a common schema in order to transform data into an integrated database and output the database. The subcombination has separate utility such as , making the transformed data available for review or processing by storing the data in one or more tables in a database.

Inventions II and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Invention II has integrating data representing an organization, using a portion of the data to create and output one or more tools for organization management, and the tools for organization management comprise a system for automated trading of an organization equity security based on a calculated market sentiment value. The subcombination has separate utility such as Invention III has using a plurality of metadata mappings to integrate a plurality of data representative of an (a physical object or substance) enterprise that physically exists from a plurality of enterprise related systems and where a metadata and conversion rules window is used to establish the metadata mapping table .

The search for Invention I is not required for Invention II. The search for invention II is not required for Inventions I, III, and IV. The search for Invention III is not required for Inventions I, II, and IV. The search for Invention IV is not required for Inventions I, II, and III.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because at least the following reason(s) apply:

. The search for Invention I is not required for Invention II. The search for invention II is not required for Inventions I, III, and IV. The search for Invention III is not required for Inventions I, II, and IV. The search for Invention IV is not required for Inventions I, II, and III.

Invention I has a different scope from Inventions II, III, and IV. Invention II has a different scope from Inventions I, III, and IV. Invention III has a different scope from Inventions I, II, and IV. Invention IV has a different scope from Inventions I, II, and III. Thus, the inventions have different scopes and modes of operation and are classified in different classes and subclasses..

**Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.**

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable

Art Unit: 3694

over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Comments: Claims 34, 141, 145, 155, 159, 169, 176, and 183 do not contain enough steps to adequately claim the invention.

For example, for claim 141. A program storage device readable by a computer tangibly embodying a non-transitory program of instructions executable by at least one processor ... to perform a plurality of steps in data management, comprising: using a plurality of metadata mappings to integrate a plurality of data representative of an enterprise from a plurality of enterprise related systems according to an xml metadata standard and a common schema; transforming said data into an integrated database that stores data according to the metadata standard and schema; outputting said database, wherein outputting of the database comprises: making said database available for use by a user, wherein the metadata mappings are stored in a metadata mapping table; and a plurality of enterprise related systems are selected from the group consisting of: advance financial systems, ... and combinations thereof.

Claims 34, 145, 155, 159, 169, 176, and 183, if any of these claims are in the elected group for examination, they should be written similar to claim 141.

The issue with the claims to the invention is not clearly and concisely claimed in order for the Examiner to allow the application. The above claim suggestions and restriction requirement are made in an effort to advance prosecution of the application.



The Group of claims that would move the application closer to allowance is Group II, Claims 44-52, 62-64, 68-70, 90, 91, and 134-140.

Applicant's Representative is respectfully requested to telephone the Examiner schedule an interview, if Applicant's Representative considers an interview would be useful in advancing prosecution of the application.

The restriction requirement was necessitated by Applicant's amendment to the claims and the divergent subject matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on a Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/940,450  
Art Unit: 3694

Page 9

/Ella Colbert/  
Primary Examiner, Art Unit 3694

March 23, 2011